

First Extraordinary Session, 2011

HOUSE BILL NO. 21

BY REPRESENTATIVE PEARSON

CENSUS: Provides relative to provisions in Title 11 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics (Item #8)

1 AN ACT

2 To amend and reenact R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and
3 1921(A)(3)(a)(ii), relative to provisions of Title 11 (Consolidated Public Retirement
4 Systems) of the Louisiana Revised Statutes of 1950 which are limited in applicability
5 to certain political subdivisions or local areas based upon population classifications;
6 to specify applicability to one or more political subdivisions or local areas; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and
10 1921(A)(3)(a)(ii) are hereby amended and reenacted to read as follows:

11 §413. Classes of employees not eligible

12 The following classes of employees and officers shall not be or become
13 members of this system:

14 * * *

15 (15)(a) Employees of any political subdivision with a parishwide jurisdiction
16 created, as authorized by state law, by local services agreement and
17 intergovernmental contract for the purpose of stimulating and encouraging the
18 development of an industrial air park for economic development in a parish with a
19 population of not less than one hundred eighty thousand or more than one hundred

1 ~~eighty-five thousand according to the latest federal decennial census~~ Calcasieu Parish
2 whose employment commences on or after July 1, 2004, shall not be eligible to
3 become members of the Louisiana State Employees' Retirement System.

4 (b) Any employee who, on or before June 30, 2004, has at least ten years of
5 creditable service credit in the Louisiana State Employees' Retirement System and
6 who continues employment with said political subdivision must, no later than thirty
7 days from July 6, 2004, make an irrevocable election to either transfer to another
8 qualified retirement plan or remain in the system. Any employee who elects to
9 transfer from the system must sign a hold harmless agreement with the system
10 releasing the system from any claims arising out of, or relating to, said employee's
11 withdrawal from the system, and the system shall transfer all employee contributions
12 made by that employee to the system and any employer contributions attributable to
13 the normal cost of that employee as established by the system's actuary. ~~These~~ Such
14 funds ~~must~~ shall be rolled over to another qualified plan or IRA by a Trustee to
15 Trustee transfer. If no such transfer is available, the funds, as defined above, ~~will~~
16 shall be returned to the political subdivision for distribution in a manner determined
17 by the political subdivision. Any member having ten or more years of creditable
18 service in the Louisiana State Employees' Retirement System on or before June 30,
19 2004, who elects to remain in the system shall continue to have contributions
20 remitted at the employee and employer contribution rates as established by law until
21 or unless the employee terminates employment with the political subdivision. After
22 termination of employment the member may elect to leave the account inactive until
23 the member becomes eligible to collect his retirement benefit. Any member may,
24 at any time after termination of the system covered employment, request a refund of
25 employee contributions in accordance with applicable ~~current~~ law.

26 (c) Those employees who have less than ten years of creditable service in the
27 system on or before June 30, 2004, shall be ineligible to remain in the system and
28 shall be removed from the system effective July 1, 2004. These members shall be
29 eligible to receive all employee contributions made by that employee to the

1 Louisiana State Employees' Retirement System and any employer contributions
2 attributable to the normal cost of that employee as established by the system's
3 actuary. ~~These~~ Such funds ~~must~~ shall be rolled over to another qualified plan or IRA
4 by a Trustee to Trustee transfer. If no such transfer is available, the funds, as defined
5 above, ~~will~~ shall be returned to the political subdivision for distribution in a manner
6 determined by the political subdivision.

7 * * *

8 §721.1. Option to participate in system

9 A. Notwithstanding any other provision of law to the contrary, ~~no city or~~
10 ~~parish~~ the superintendent of a the Orleans or Jefferson Parish school system ~~located~~
11 ~~in a city or parish having a population in excess of four hundred fifty thousand~~ shall
12 ~~be~~ is not required to participate in the Teachers' Retirement System of Louisiana;
13 however, he shall have the option of retaining membership in the Teachers'
14 Retirement System of Louisiana if he is eligible, provided that his retirement benefit
15 computation shall be in accordance with the provisions of this Chapter.

16 * * *

17 §1511. Membership

18 The clerk of the supreme court, each of the courts of appeal, each of the
19 district courts, and each of the city and traffic courts in ~~cities having a population in~~
20 ~~excess of four hundred thousand~~ the city of New Orleans, and the employees of such
21 clerks, whether ~~full-time~~ full time or ~~part-time~~ part time, and the employees of the
22 Louisiana Clerks of Court Association, the Louisiana Clerks' of Court Retirement
23 and Relief Fund, and the Louisiana Clerks of Court Insurance Fund, shall become
24 and be a member of the system during service as such.

25 * * *

1 §1562. Employee and employer contributions

2 A. The clerk of the supreme court, each of the courts of appeal, each of the
3 district courts, and each of the city and traffic courts in ~~cities having a population in~~
4 ~~excess of four hundred thousand~~ the city of New Orleans, and the Louisiana Clerks
5 of Court Association, the Louisiana Clerks of Court Retirement and Relief Fund, and
6 the Louisiana Clerks of Court Insurance Fund, shall deduct eight and one-quarter
7 percent of the salary of each such clerk and of each deputy and employee who is or
8 becomes a member of the fund. Such deduction shall be made during each regular
9 payroll period and shall be paid to the fund monthly by each clerk within ten days
10 after the close of the month for which collected. In addition, each such clerk, and the
11 Louisiana Clerks of Court Association, the Louisiana Clerks of Court Retirement and
12 Relief Fund, and the Louisiana Clerks of Court Insurance Fund shall pay to the fund
13 an amount equal to nine percent of all salaries paid by each clerk to members of the
14 fund, which shall be paid from each clerk's salary fund or, if there is no salary fund,
15 out of any fund from which the clerk pays the salaries of his employees and himself.

16 * * *

17 C. Notwithstanding any other provision of law to the contrary, in lieu of
18 deducting the employee contribution from the salary of each clerk, deputy, and
19 employee as provided in Subsection A of this Section, upon giving written notice to
20 the board of trustees fifteen days prior to the beginning of a fiscal year, each of the
21 district courts and each of the city and traffic courts in ~~cities having a population in~~
22 ~~excess of four hundred thousand~~ the city of New Orleans, and the boards of
23 Louisiana Clerks of Court Association, the Louisiana Clerks of Court Retirement and
24 Relief Fund, and the Louisiana Clerks of Court Insurance Trust may elect to pay out
25 of the clerk's or board's operating funds all or any portion of the employee
26 contributions which would otherwise be deducted from the salary of each clerk,
27 deputy, and employee as provided in Subsection A of this Section for the clerk and
28 each of the clerk's deputies and employees and each of the board's employees. If a
29 clerk or a board elects to pay a portion of the contributions required in Subsection

1 A of this Section, then the portion shall be in the same proportion of the salary of
 2 each employee in the office of the clerk or board, and no employee shall be able to
 3 choose the amount of such payment. Payments so made shall specifically not be
 4 included as salary or monthly average compensation for purposes of benefit
 5 computation. If such election is made, the election shall remain in effect for a fiscal
 6 year and shall be rescinded only upon providing written notice to the board of
 7 trustees fifteen days prior to the beginning of a fiscal year.

8 * * *

9 §1752. Persons not eligible for membership; persons becoming eligible for
 10 membership in other systems

11 * * *

12 B. Individuals paid jointly by a participating employer and the parish are not
 13 eligible for membership in this system, except the following:

14 * * *

15 (3) Clerks of city courts ~~in cities having a population of four hundred~~
 16 ~~thousand or less~~ except in the city of New Orleans.

17 * * *

18 §1921. Membership

19 A. The membership of this system shall be composed of all employees not
 20 specifically excluded by the provisions of this Part, as follows:

21 * * *

22 (3)(a)

23 * * *

24 (ii) A justice of the peace in a parish with a population of between twenty=
 25 ~~three thousand three hundred fifty and twenty-three thousand four hundred, based~~
 26 ~~upon the latest federal decennial census~~ Assumption Parish who did not exercise his
 27 option to become a member of the system within one year of taking his oath of office
 28 may elect to become a member on or before December 31, 2008. A justice of the
 29 peace who elects to become a system member pursuant to this Item may receive

CITATION/ TOPIC	EXISTING LAW	AFFECTED LOCATIONS	PROPOSED LAW
R.S. 11:1562(A) and (C) - Employee contributions to the Clerks' of Court Retirement and Relief Fund	Clerks of the city and traffic courts in cities having a population of 400,000+	City of New Orleans (1980, 1990, 2000 census)	City of New Orleans
R.S. 11:1752(B)(3) - Persons eligible for membership in the Municipal Employees' Retirement System (MERS)	Clerks of city courts in cities having a population of 400,000–	Every city except New Orleans (1980, 1990, 2000 census)	Except City of New Orleans
R.S. 11:1921(A)(3)(a)(ii) - Persons not eligible for membership in the Parochial Employees' Retirement System (PERS)	Certain justices of the peace in a parish with a population between 23,350 - 23,400	Assumption Parish (2000 census)	Assumption Parish

(Amends R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and 1921(A)(3)(a)(ii))